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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,184	06/30/2000	Samuel N. Zellner	BS99-224	9720

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,184

Applicant(s)

ZELLNER, SAMUEL N.

Examiner

Christopher J Brown

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The Examiner objects to the apparent conflict in the specification. On page 13 lines 1-2 the specification states that if no threshold amount is exceeded no notification message is sent. In an example of the invention on page 14 lines 10-12, the specification states that if the threshold is exceeded, no notification message will be created.

Claim Rejections - 35 USC § 112

2. Claims 37 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner believes that there is a typo in claims 37 as it is in exact opposition to claims 13, 19, 26, and 33. Claim 37 states "sending a notification message to the payer if the transaction threshold is **not** exceeded". Claim 38 is in exact opposition to claims 14, 18, 27, and 34. Claim 38 states "sending the notification message to the payer if the filter definition has **not** been satisfied". The examiner believes the emphasized "not" in each statement should be removed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10-27, 29-31, 33-35, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Blonder US 5,708,422.

As per claims 1, and 10, 17, 22 Blonder discloses a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder discloses an input device (card reader) to input the information (Col 4 lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer to receive and authorize a request, sending authorization code to said input device, (Col 12 lines 1-6). Blonder discloses notifying the payer (customer) of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42).

As per claim 2, Blonder discloses obtaining an address (communications address field) to send the message, creating the message, and sending the message to the payer, (Col 5 lines 33-40, 47-56, Col 6 lines 50-64)

As per claims 3, and 4, 23, 29, Blonder discloses the message device to be an internet appliance using email, (Col 6 lines 50-54).

As per claim 5, 24, 30 Blonder discloses sending an email to a paging service (interactive two way communication mechanism).

As per claims 6, 16, 21 Blonder discloses wherein the commercial transaction is a credit card transaction, (Col 4 lines 30-35).

As per claim 11, Blonder discloses the database comprises at least one notification address, (Col 5 line 56).

As per claim 12, Blonder discloses the device is a pager, (Col 8 lines 53-57).

As per claim 13, 19, 26, 33 Blonder discloses to determine if a threshold has been exceeded, and to prevent notification to the payer if the threshold has not been exceeded, and to send notification if the threshold has been exceeded (Col 5 line 66 – Col 6 line 4).

As per claim 14, 18, 27, 34 Blonder discloses preventing transmission of a notification if a filter has not been met, and to send notification if the filter has been met, (Col 5 lines 66- Col 6 line 1, 20-25).

As per claim 15, 20, 25, 31, 35, 39 Blonder discloses a process to obtain approval from the payer prior to proceeding with the commercial transaction, (Col 2 lines 50-55).

As per claim 40, Blonder discloses waiting a pre-determined period of time for a response from the payer, and stopping the commercial transaction if the time period expires prior to the response from the payer, (Col 10 lines 58-63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder US 5,708,422 in view of Goldsmith US 6,064,990.

As per claims 7-9, Blonder discloses notifying a customer of a commercial transaction of a credit or debit card. Blonder does not disclose E-commerce, online banking, or ATM's. Goldsmith discloses notifying a customer of account activity, (Col 2 lines 5-10), business, or online banking (online account), (Col 2 lines 50-53). It would be obvious to one skilled in the art that many online merchants use credit cards for E-commerce.

It would be obvious to modify the Blonder system of payer notification with the Goldsmith transaction methods because all are commonly used financial transactions and require prevention of fraud.

As per claim 28, Blonder discloses a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder discloses an input device (card reader) to input the information (Col 4 lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer to receive and authorize a request, sending authorization code to said input device, (Col 12 lines 1-6). Blonder discloses notifying the payer (customer) of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42).

Goldsmith discloses an online banking transaction, (Col 2 lines 50-53).

It would be obvious to modify the Blonder authorization system with the transaction type of Goldsmith because it would prevent fraud in online banking.

**Claims 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Blonder US 5,708,422 in view of Bickham US 5,530,438**

As per claims 32, and 36, Blonder discloses a payer (customer) who is initiating a commercial transaction (charge a purchase), (Col 4 lines 34-40). Blonder discloses an input device (card reader) to input the information (Col 4 lines 52-61, Col 5 lines 10-15). Blonder discloses requesting authorization (validation) for the commercial transaction (Col 5 lines 25-28, 32-37). Blonder discloses a computer to receive and authorize a request, sending authorization code to said input device, (Col 12 lines 1-6). Blonder discloses the database comprises at least one notification address, (Col 5 line 56). Blonder discloses notifying the payer (customer) of the commercial transaction upon a request for authorization of the commercial transaction (Col 2 line 61 – Col 3 line 3). Blonder discloses a notification device (Pager) to receive the message and present it to the payer (Col 11 lines 38-42). Blonder does not disclose a subscription service. Bickham discloses a subscription service for a financial alert system, (Col 5 lines 18-26). It would be obvious to modify Blonders alert system with Bickhams subscription service to pay for and or make profit from the service, (Bickham Col 5 line 22).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is 703-305-8023. The examiner can normally be reached on 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Brown



Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137